



# PUBLIC NOTICE

**Federal Communications Commission**  
**445 12<sup>th</sup> St., S.W.**  
**Washington, D.C. 20554**

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**DA 11-1784**

**Released: October 26, 2011**

**PUBLIC SAFETY AND HOMELAND SECURITY BUREAU SEEKS COMMENT ON REQUESTS  
FOR WAIVER OF THE JANUARY 1, 2013 VHF-UHF NARROWBANDING DEADLINE FILED  
BY ST. LOUIS COUNTY, MISSOURI, ST. CHARLES COUNTY, MISSOURI, JEFFERSON  
COUNTY 9-1-1 DISPATCH BOARD AND THE EAST-WEST GATEWAY COUNCIL OF  
GOVERNMENTS**

**WT Docket 99-87**

**Comment Date: November 10, 2011**

**Reply Comment Date: November 17, 2011**

The Public Safety and Homeland Security Bureau seeks comment on the requests of St. Louis County, Missouri (St. Louis County), St. Charles County, Missouri (St. Charles County), Jefferson County 9-1-1 Dispatch Board of Jefferson County, Missouri (Jefferson County) and the East-West Gateway Council of Governments (collectively, the Petitioners), for a waiver until December 31, 2013, of the Commission's January 1, 2013 VHF-UHF narrowbanding deadline, 47 C.F.R. § 90.209(b), which requires private land mobile radio licensees in the 150-174 MHz and 450-512 MHz bands to operate using channel bandwidth of no more than 12.5 kHz or equivalent efficiency by January 1, 2013.<sup>1</sup>

Petitioners' waiver requests encompass multiple VHF and UHF authorizations in their respective jurisdictions.<sup>2</sup> Petitioners are members of the St. Louis Urban Area, which is in the process of constructing a multi-county interoperable 800 MHz radio system.<sup>3</sup> Petitioners note that they have passed

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<sup>1</sup> See Request for Waiver of Commission Rules, filed September 3, 2010 updated June 17, 2011 by St. Charles County (St. Charles Waiver Request); Request for Waiver of Commission Rules, filed September 3, 2010 updated June 17, 2011, by St. Charles County (St. Louis Waiver Request); and Request for Waiver of Commission Rules, filed September 3, 2010 updated June 17, 2011, by Jefferson County 911 (Jefferson Waiver Request). The East West Gateway Council of Governments also filed a status update on June 17, 2011. See also Implementation of Sections 309(j) and 337 of the Communications Act of 1934 as Amended; Promotion of Spectrum Efficient Technologies on Certain Part 90 Frequencies, *Third Memorandum Opinion and Order and Third Further Notice of Proposed Rule Making and Order*, WT Docket No. 99-87, RM-9332, 19 FCC Rcd 25045 (2004). See also 47 C.F.R. §§ 90.209(b)(5)-(6).

<sup>2</sup> St. Louis County seeks waivers for 222 frequencies held by 73 unique licensees. St. Louis Waiver Request at 7, Appendix B. St. Charles County seeks waivers for 215 frequencies held by 15 unique licensees. St. Charles Waiver Request at 7, Appendix B. Jefferson County seeks waivers for 274 frequencies held by 27 unique licensees. Jefferson Waiver Request at 7, Appendix B.

<sup>3</sup> The Urban Area is defined as the Missouri counties of Franklin, Jefferson, St. Charles, St. Louis, the independent City of St. Louis, and the Illinois counties of Madison, Monroe and St. Clair. See Jefferson Waiver Request at 2-3, fn. 2.

sales tax initiatives to secure funding for this new system,<sup>4</sup> which has a Commission-approved extended implementation schedule until December 31, 2013.<sup>5</sup> Petitioners state that they intend to transition their UHF/VHF operations that are the subject of the waiver requests onto the new system and subsequently will vacate their UHF and VHF authorizations.<sup>6</sup> However, since the new system will not be operational by the January 1, 2013 narrowbanding deadline, Petitioners seek a waiver of the deadline until December 31, 2013 in order to avoid having to divert financial, technical, and administrative resources to narrowbanding of their existing UHF/VHF systems pending the transition.<sup>7</sup>

On July 13, 2011, the Wireless Telecommunications Bureau, the Public Safety and Homeland Security Bureau, and the Office of Engineering and Technology released a *Public Notice* providing, *inter alia*, guidance on the submission of requests for waiver of the narrowband deadline.<sup>8</sup> We seek comments evaluating Petitioners' waiver requests in light of that guidance. In particular, we seek comment from parties whose UHF/VHF operations could be impacted by grant of the waiver.

Interested parties may file comments and reply comments on or before the dates listed on the first page of this *Public Notice*. All pleadings are to reference WT Docket No. 99-87. Comments may be filed using: (1) the Commission's Electronic Comment Filing System (ECFS), (2) the Federal Government's eRulemaking Portal, or (3) by filing paper copies.<sup>9</sup>

- Electronic Filers: Comments may be filed electronically using the Internet by accessing the ECFS: <http://www.fcc.gov/cgb/ecfs/> or the Federal eRulemaking Portal: <http://www.regulations.gov>. Filers should follow the instructions provided on the website for submitting comments.
- For ECFS filers, if multiple docket or rulemaking numbers appear in the caption of this proceeding, filers must transmit one electronic copy of the comments for each docket or rulemaking number referenced in the caption. In completing the transmittal screen, filers should include their full name, U.S. Postal Service mailing address, and the applicable docket or rulemaking number. Parties may also submit an electronic comment by Internet e-mail. To get filing instructions, filers should send an e-mail to [ecfs@fcc.gov](mailto:ecfs@fcc.gov), and include the following words in the body of the message, "get form." A sample form and directions will be sent in response.
- Paper Filers: Parties who choose to file by paper must file an original and four copies of each filing. If more than one docket or rulemaking number appears in the caption of this proceeding, filers must submit two additional copies for each additional docket or rulemaking number.

Filings can be sent by hand or messenger delivery, by commercial overnight courier, or by first-class or overnight U.S. Postal Service mail (although we continue to experience delays in receiving U.S.

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<sup>4</sup> St. Louis Waiver Request at 5, Jefferson Waiver Request at 5, St. Charles Waiver Request at 5.

<sup>5</sup> St. Louis Waiver Request at 5, 8; St. Charles Waiver Request at 5, 8; Jefferson Waiver Request at 5, 8.

<sup>6</sup> St. Charles Waiver Request at 8, St. Louis Waiver Request at 8, and Jefferson Waiver Request at 8.

<sup>7</sup> St. Charles Waiver Request at 7, St. Louis Waiver Request at 7, and Jefferson Waiver Request at 7.

<sup>8</sup> See Wireless Telecommunications Bureau, Public Safety and Homeland Security Bureau, and Office of Engineering and Technology Provide Reminders of the January 1, 2013 Deadline for Transition to Narrowband Operations in the 150-174 MHz and 421-512 MHz Bands and Guidance for Submission of Requests for Waiver and Other Matters, *Public Notice*, 26 FCC Rcd 9647 (2011).

<sup>9</sup> See *Electronic Filing of Documents in Rulemaking Proceedings*, GC Docket No. 97-113, Report and Order, 13 FCC Rcd 11322 (1998).

Postal Service mail). All filings must be addressed to the Commission's Secretary, Office of the Secretary, Federal Communications Commission.

- Hand-delivered or messenger-delivered paper filings for the Commission's Secretary must be delivered to FCC Headquarters at 445 12<sup>th</sup> St., SW, Room TW-A325, Washington, DC 20554 between 8:00 AM and 7:00 PM. All hand deliveries must be held together with rubber bands or fasteners. Any envelopes must be disposed of before entering the building.
- Commercial overnight mail (other than U.S. Postal Service Express Mail and Priority Mail) must be sent to 9300 East Hampton Drive, Capitol Heights, MD 20743.
- U.S. Postal Service first-class, Express, and Priority mail should be addressed to 445 12<sup>th</sup> Street, SW, Washington DC 20554.

People with Disabilities: To request materials in accessible formats for people with disabilities (Braille, large print, electronic files, audio format), send an e-mail to [fcc504@fcc.gov](mailto:fcc504@fcc.gov) or call the Consumer and Governmental Affairs Bureau at (202) 418-0530 (voice), (202) 418-0432 (tty).

All filings must be addressed to the Commission's Secretary, Marlene H. Dortch, Office of the Secretary, Federal Communications Commission, 445 12<sup>th</sup> Street, SW, Room TW-A325, Washington, DC 20554. Parties should also send a copy of their filings to Roberto Mussenden, Policy and Licensing Division, Public Safety and Homeland Security Bureau, Federal Communications Commission, Room 7-B553, 445 12<sup>th</sup> Street, SW, Washington, DC 20554, or by e-mail to [narrowbanding@fcc.gov](mailto:narrowbanding@fcc.gov). Parties shall also serve one copy with the Commission's copy contractor, Best Copy and Printing, Inc. (BCPI), Portals II, 445 12<sup>th</sup> Street, SW, Room CY-B402, Washington, DC 20554, (202) 488-5300, or via e-mail to [fcc@bcpiweb.com](mailto:fcc@bcpiweb.com).

Documents in WT Docket No. 99-87 are available for public inspection and copying during business hours at the FCC Reference Information Center, Portals II, 445 12<sup>th</sup> St. SW, Room CY-A257, Washington, D.C. 20554. The documents may also be purchased from BCPI, telephone (202) 488-5300, facsimile (202) 488-5563, TTY (202) 488-5562, e-mail [fcc@bcpiweb.com](mailto:fcc@bcpiweb.com). These documents may also be viewed on the Commission's website at <http://www.fcc.gov/cgb/ecfs>.

Because of the policy implications and potential impact of this proceeding on persons not party to these Applications, it is in the public interest to treat this case as a permit-but-disclose proceeding under the *ex parte* rules. See Sections 1.1200(a) and 1.1206 of the Commission's rules, 47 C.F.R. §§ 1.1200(a) and 1.1206. Therefore, subsequent to the release of this *Public Notice*, *ex parte* presentations that are made with respect to the issues involved in the subject waiver request will be allowed, but must be disclosed in accordance with the requirements of Section 1.1206(b) of the Commission's rules, 47 C.F.R. § 1.1206(b).

For further information, contact Mr. Roberto Mussenden of the Policy and Licensing Division, Public Safety and Homeland Security Bureau at (202) 418-1428 (voice), (202) 418-7233 (tty), or via e-mail at [Roberto.Mussenden@fcc.gov](mailto:Roberto.Mussenden@fcc.gov).

By the Chief, Public Safety and Homeland Security Bureau.

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